

Remarks

Claims 9-21 are now pending in this application. Applicant has cancelled claims 1-8 and presented new claims 9-21 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

The Examiner rejected claims 1, 3, and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,735,790 to Håkansson. The Examiner rejected claims 2, 4, 5, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Håkansson.

Håkansson does not disclose the present invention as recited in newly presented independent claim 9 since, among other things, Håkansson does not disclose a premounted unit that includes a screw-shaped anchoring fixture, an abutment sleeve, and a screw. Rather, Håkansson provides an example of a two part design discussed in the specification at page 2, line 26, through page 21. In fact, Håkansson discloses a structure that includes three separate small parts that must be handled during installation.

On the other hand, the present invention as recited in newly presented independent claim 9 includes a premounted unit that includes three separate pieces secured together as a single unit. The screw connection connects together the fixture and the abutment sleeve into the premounted unit. As a result, the three parts, including the fixture, abutment sleeve and screw, are delivered premounted, as a single unit, to a surgeon. Therefore, instead of handling three separate, small parts the surgeon only needs to handle one part.

Additionally, Håkansson does not disclose an abutment sleeve that includes a tool engaging portion. According to the present invention as recited in claim 9, the abutment sleeve includes a tool engaging portion. The entire premounted unit is installed as a single part by the tool that engages the tool engaging portion. This is in contrast to Håkansson, in which the fixture is designed with the tool engaging part, mainly an outer hex. The portions 10a, 10 and 11 of the coupling sleeve 7 disclosed by Håkansson do not include a tool engaging portion for installing the implant into the bone tissue. In fact, Håkansson does not disclose any installing tool or corresponding tool engaging portion.

In view of the above, Håkansson does not disclose all elements of the present invention as recited in claims 9-21. Since Håkansson does not disclose all elements of the present invention as recited in claims 9-21, the present invention, as recited in claims 9-21, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Håkansson also does not suggest the present invention as recited in claim 9 since, among other things, Håkansson does not suggest a premounted unit that includes a screw-shaped anchoring fixture, an abutment sleeve, and a screw. Rather, Håkansson suggests a structure that includes three separate small parts that must be handled during installation. Such a structure has distinct disadvantages associated with it, such as making the handling and implanting of the structure much more difficult.

Also, Håkansson does not suggest an abutment sleeve that includes a tool engaging portion. Rather, Håkansson suggests a fixture that includes a tool engaging part in the form of an outer hex. The portions 10a, 10 and 11 of the coupling sleeve 7 disclosed by Håkansson do not include a tool engaging portion for installing the implant into the bone tissue. In fact, Håkansson does not disclose any installing tool or corresponding tool engaging portion. Furthermore, Håkansson does not suggest a tool that cooperates with a tool engaging portion on an abutment sleeve, much less a tool that includes spikes configured to cooperate with holes or recesses on an abutment sleeve.

Additionally, Håkansson does not suggest a self-tapping structure. Still further, Håkansson does not suggest a tool that includes a resilient ring for cooperation with an edge of an abutment sleeve to provide a lifting function. Also, Håkansson does not suggest a package as recited in the claims.

In view of the above, the reference relied upon in the office action does not disclose or suggest patentable features of the present invention. Therefore, the reference relied upon in the

office action does not anticipate the present invention or make the present invention obvious. Accordingly, Applicant respectfully requests withdrawal of the rejection based upon the cited reference.

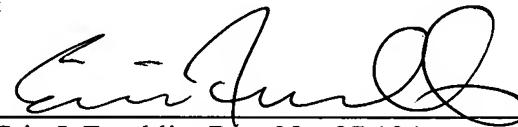
In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this application, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 7/21/07


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